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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,710	10/31/2003	Brian R. Geisel	5983-000008	1566
27572	7590	12/31/2007		
HARNESS, DICKEY & PIERCE, P.L.C.			EXAMINER	
P.O. BOX 828			BASIT, ABDUL	
BLOOMFIELD HILLS, MI 48303			ART UNIT	PAPER NUMBER
			3694	
			MAIL DATE	DELIVERY MODE
			12/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/698,710	Applicant(s) GEISEL ET AL.	
	Examiner Abdul Basit	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to Applicant's remarks received on 10/5/2007.

Response to Applicant's Remarks

1. Claims 1-28 are pending.
2. Applicant argues that claims 1 and 12 are allowable. The Office disagrees, and finds that claims 1 and 12 remain rejected under 35 USC 102(e).
3. Accordingly, this action is **FINAL**.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-4, 7-8, 10-12, 21-23 and 25-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Vicknair (US Pub. No. 2003/0208421).

Regarding claim 1:

Applicant argues that Vicknair fails to teach a number of elements of claim 1. The Office respectfully disagrees.

First, Applicant argues that Vicknair fails to disclose a module that performs image recognition by extracting the amount of monetary value recorded in the digital image and recognizing the amount using character recognition. It should be noted that in claim

1, Applicant has not claimed a recording in a digital image, and has only used the word image. In paragraph 46, Vicknair states:

“As previously described with respect to **Fig. 2**, the images generated during the capture process **110** are linked to the ECP items during the proofing process.”

This would include any monetary value.

Next, Applicant argues that Vicknair fails to disclose a module that determines whether the transaction is valid based on a validation characteristic of an item. In paragraph 41, Vicknair teaches a validation process by talking about a proofing process. In paragraph 38, the assignment of an ISN number to the physical image teaches a validation characteristic.

Third, Applicant argues that Vicknair fails to disclose a module that balances the transaction based on the amount of monetary value. In paragraph 36, Vicknair teaches a database including an amount that is extracted from a check. Also, in paragraph 36, this value can then be used to determine if it is or should be in the database. Since the monetary value of a check is used to teach whether an item should be in the database, Vicknair teaches this element of the claim.

Regarding claim 12:

The arguments presented by the Office are applicable to claim 12.

Regarding claims 2-4, 7-8, 10-11, 2—23 and 28:

Since claims 1 and 12 have been rejected, and no other argument is given for the allowability of these claims, these claims are also rejected.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vicknair in view of Josephson (US Pub. No. 2003/0213841).

Applicant has provided no specific argument as to the allowability of claim 6, other than it should be allowed because claim 1 is allowable. Since claim 1 has been rejected, claim 6 remains rejected.

3. Claims 7, 9, and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vicknair in view of Franklin (US Pat. No. 5,987,437).

Applicant has provided no specific argument as to the allowability of these claims other than they should be allowed because claims 1 and 12 are allowable. Since claims 1 and 12 have been rejected, claims 7, 9, and 13-20 remain rejected.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdul Basit whose telephone number is 571 272-7246. The examiner can normally be reached on Monday - Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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